

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

BIOCHEMICS, INC., ET AL.,

Defendants.

Civil Action No. 12-12324-MLW

***EMERGENCY MOTION BY DEFENDANT MASIZ
REQUESTING AN ORDER EXTENDING THE TIME FOR MASIZ TO RESPOND TO
THE COURT'S 11-5-19 (Doc. #574) & 11-20-19 (Doc. #579) ORDERS REGARDING THE
PUBLIC FILING OF A COPY OF THE 9-12-19 MASIZ DISCLOSURE SUBMISSION
PROVIDED THE SEC (Doc. #562, #567)***

Defendant Masiz moves for an order extending the due date for him to respond to the Court's 11-5-19 (Doc. #574) and 11-20-19 (Doc. #579) Orders to seven days after the date on which the mediation period ends for ADEC, the Respondents, BioChemics, the Trustee and the Receiver to complete mediation as requested by the parties in Doc. #580. Masiz makes this request consistent with the interest expressed by the parties to the mediation to focus on the settlement discussions and to conserve the Court's and the parties' resources. As importantly, as detailed in its accompanying Memorandum, Defendant believes that the Court's 11-5-19 (Doc. #574) and 11-20-19 (Doc. #579) Orders implicate substantial statutory and Constitutional issues regarding the permissible scope of the injunction entered by the Court's Order dated 8-17-17 Section II (Doc. #339-1). Defendant Masiz submits his Affidavit this date and accompanying Memorandum in further support of this request that is intended to address the issues of concern raised by the Court in its two orders. 11-21-19 Masiz Affidavit at **Attachment 1** and

Memorandum accompanying this Motion. Defendant does not believe that this request in any way implicates any interest, either of the parties or the public in a negative manner. In fact, as testified to by Mr. Masiz and as detailed in the accompanying Memorandum, such interests will only be promoted and protected by this request.

RELIEF REQUESTED

For these reasons, Masiz respectfully requests that the Court enter an order extending the due date for him to respond to the Court's 11-5-19 (Doc. #574) and 11-20-19 (Doc. #579) Orders to seven days after the date on which the mediation period ends for ADEC, the Respondents, BioChemics, the Trustee and the Receiver to complete mediation as requested. Such relief is in keeping with the interests expressed, by the parties in Doc. #580. It is also appropriate in light of what Defendant believes are substantial statutory and Constitutional questions implicated if Defendant is required to respond as presently ordered.

Dated: November 21, 2019

Respectfully Submitted by his attorney,

For Defendant John Masiz

/s/ Jan Schlichtmann

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Local Rule 7.1 Certification

I hereby certify that counsel have conferred regarding this request and the Commission has informed Defendant Masiz that without in any way indicating its view regarding the grounds, it does not oppose the relief requested by the motion.

Dated: November 21, 2019

Respectfully submitted,

John J. Masiz, by his attorney,

/s/ Jan Schlichtmann

Jan R. Schlichtmann, Esq. (BBO #445900)

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that, on November 21, 2019 a true and correct copy of the foregoing document was served on counsel for the respective parties by electronic service through the CM/ECF.

Dated: November 21, 2019

Respectfully submitted by his attorney,

For Defendant/Respondent John Masiz:

/s/ Jan Schlichtmann

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